

COASTAL CONSERVANCY

Staff Recommendation

March 24, 2016

UPPER DEVEREUX SLOUGH RESTORATION PLANNING AUGMENTATION

Project No. 11-019-02

Project Manager: Rachel Couch

RECOMMENDED ACTION: Modification of the Conservancy's April 18, 2013 authorization for disbursement of \$869,300 to The Regents of the University of California for the preparation of design, engineering, environmental and permit application documents and surveys for restoration of the Upper Devereux Slough by revising the scope of the permitted planning activities and by authorizing an augmentation of the funding by up to \$650,000, including \$500,000 of mitigation funds from the City of Santa Barbara.

LOCATION: Devereux Slough, unincorporated Santa Barbara County

PROGRAM CATEGORY: Resource Enhancement

EXHIBITS

Exhibit 1: [Project Location and Site Map](#)

Exhibit 2: [April 18, 2013 Staff Recommendation](#)

Exhibit 3: [RWQCB Amended Order and NPDES Permit – City Desalination Facility](#)

Exhibit 4: [June 6, 2012 and December 22, 2014 USFWS Award Letters](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31251-31270 of the Public Resources Code:

“The State Coastal Conservancy hereby modifies its April 18, 2013 authorization for disbursement of \$869,300 to The Regents of the University of California for the preparation of design, engineering, environmental and permit application documents and surveys for restoration of the Upper Devereux Slough, as follows:

1. Revises the scope of planning activities to allow for the preparation of additional documentation, including final design and engineering, needed for environmental review and permit application, and to allow for reasonable and appropriate interim maintenance of the project site during the planning phase, as necessary and consistent with the future restoration of the site and with the funding provided by the United States Fish and Wildlife Service grant to the Conservancy for the project.
2. Augments the amount of funds for the project, by authorizing the disbursement of up to an additional six hundred and fifty thousand (\$650,000), including up to five hundred thousand dollars (\$500,000) in mitigation funds provided to the Conservancy by the City of Santa Barbara, for the additional environmental review and permit application documentation. Prior to the disbursement of these augmented funds, UCSB shall submit for review and approval of the Conservancy's Executive Officer: a revised work program, budget, schedule and the names and qualifications of any contractors to be employed for these tasks."

This authorization otherwise remains subject to the same conditions imposed by the Conservancy's April 18, 2013 authorization.

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project remains consistent with the purposes and objectives set forth in Chapter 6 of Division 21 of the Public Resources Code (Section 31251-31270) regarding enhancement of coastal resources.
2. The proposed project remains consistent with the current Project Selection Criteria and Guidelines."

PROJECT SUMMARY:

Staff recommends modifying the scope and augmenting a grant to The Regents of the University of California, Santa Barbara campus (UCSB), previously authorized by the Conservancy at its April 18, 2013 meeting, to allow for additional planning activities and complete additional documentation, including final designs and engineering documentation needed for environmental review and permit application in connection with the restoration of upper Devereux Slough. Up to five hundred thousand dollars (\$500,000) of the proposed augmentation is derived from mitigation funds received by the Conservancy from the City of Santa Barbara (see Project Financing Section). The project will facilitate the restoration of up to 113 acres of tidal and freshwater wetlands and connected uplands in the slough. The restoration will support the recovery of five federally listed species: the federally endangered tidewater goby, California least tern and Ventura marsh milk-vetch, and the federally threatened western snowy plover and California red-legged frog.

The previous Conservancy authorization of \$869,300 was used for preliminary design, planning, studies and permit applications in support of the Upper Devereux Slough project. The proposed current authorization of \$650,000 will allow completion of final project design, engineering, cost estimates and construction drawings needed for permit application and environmental review. The augmentation funds are being requested in order to expedite environmental review and

permit application and thereby facilitate project implementation in the fall of 2016. This schedule is necessary in order to utilize time-limited construction funds, including a \$1million Urban Greening grant. Additional planning funds are also needed because funding previously secured from California Department of Transportation (Caltrans) that was originally intended for engineering and construction drawings for the project's public access bridges and boardwalks was re-allocated to the construction phase in order to utilize these funds more efficiently within the project schedule. The additional funds will also be used to complete environmental review under the federal National Environmental Policy Act and under the California Environmental Quality Act.

The modified scope would also allow USFWS funds to be used for additional pre-construction activities including interim site management and seed and propagule collection in preparation for restoration. The Federal award letters dated June 6, 2012 and December 22, 2014 (amending and augmenting 2102 award) authorize the use of these funds for these additional activities. See Exhibit 4.

The original authorization has been spent on completing the following activities in support of project design: feasibility studies, planning, preliminary design work, and studies supporting final design such as geotechnical borings, bridge alternatives analysis and soil hydrology and salinity regimes. The proposed fund augmentation will cover the refinement of the hydrologic and hydraulic models supporting flood and scour analysis, final design plans and specifications, an engineering basis of design document, project specifications, cost-estimates, construction drawings and a series of restoration, monitoring and maintenance plans to support the timely permitting of the project.

The proposed project will be led by UCSB's Cheadle Center for Biodiversity and Ecological Restoration (CCBER), in cooperation with the Office of Budget and Planning and Design and Construction Division of Facilities Management. Restoration planning will be overseen by CCBER, which will work with contractors and also utilize participants in their restoration intern program for monitoring and surveying activities. The intern training program provides hands-on experience for students interested in restoration ecology, research and management. CCBER currently manages over 151 acres on campus including several 6-10 acre mitigation projects as well as bioswale and stormwater management systems.

Site Description: See Exhibit 2

Project History: See Exhibit 2

PROJECT FINANCING

Proposed Conservancy Augmentation	\$650,000
Previous Conservancy Authorization	\$869,300
UCSB	\$246,000
DWR	\$72,000
Other anticipated sources	\$30,000
Project Total	\$1,867,300

Conservancy funds for the proposed augmentation are anticipated to come from two sources. First, the City of Santa Barbara will provide to the Conservancy mitigation funding in the amount of \$500,000. These mitigation funds were required of the City as a condition of a permit issued by the Central Coast Regional Water Quality Control Board (RWQCB) for reactivation of the City's desalination facility (*RWQCB Amended Order No. R3-2010-0011, NPDES No. CA0048143*, attached as Exhibit 3 to this staff recommendation). Under the RWQCB permit, use of the mitigation funds is delineated for and restricted to coastal wetland project planning or restoration at Devereux Slough. The RWQCB permit condition specifically requires the City to provide "\$500,000 to the State Coastal Conservancy to fund a portion of planning or implementation of the Upper Devereux Slough Restoration Project, phase 1a, or an equivalent coastal restoration project approved by the Regional Water Board, prior to reactivating the Desalination Facility" (Exhibit 3, page 27, Section VI.C.6.(ii)).

The City mitigation funds will be provided to the Conservancy pursuant to an agreement with the City. RWQCB staff has determined that this proposed authorization is consistent with the terms of the RWQCB permit and the funding agreement between the Conservancy and the City will identify the specific tasks to which the funds will be applied by the Conservancy.

Additional Conservancy funds (up to \$150,000) would come from an appropriation to the Conservancy from Proposition 50, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Water Code Section 79500 et seq.). Proposition 50 funds are allocated to the Conservancy for the protection of coastal watersheds, not limited to acquisition, protection, and restoration of land and water resources, and associated planning (Water Code Section 79570). The project is consistent with the purposes of Proposition 50 in that the plans will lead to the restoration of a coastal watershed that flows to the Pacific Ocean.

As required by Proposition 50, the proposed project is consistent with regional water quality plans (Water Code Section 79570), as described in the Consistency with Local Watershed Management Plan/State Water Quality Control Plan section below.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project remains consistent with the Conservancy's Enabling Legislation as described in the April 18, 2013 staff recommendation (Exhibit 2).

CONSISTENCY WITH CONSERVANCY'S 2013 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S), AS REVISED JUNE 25, 2015:

The proposed project remains consistent with the Conservancy's Strategic Plan Goals and Objectives as described in the April 18, 2013 staff recommendation (Exhibit 2). Although the Conservancy's Strategic Plan underwent revision, the Goals and Objectives identified in the April 18, 2013 staff recommendation remain unchanged under the Strategic Plan as revised June 25, 2015.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project remains consistent with the Conservancy's Project Selection Criteria and Guidelines as described in the April 18, 2013 staff recommendation (Exhibit 2). The Conservancy revised the Project Selection Criteria and Guidelines on October 2, 2014 to include one additional criterion: Promotion and implementation of state plans and policies. This criterion is addressed below.

Promotion and implementation of state plans and policies: By completing plans to restore the historic tidal wetland habitats of the subject property the project serves to promote and implement several state plans including:

California Water Action Plan (CA Natural Resources Agency, CA Environmental Protection Agency and CA Department of Food and Agriculture, 2016 Update). Goal #4, "Protect and Restore Important Ecosystems", identifies restoration of coastal watersheds as a priority action.

California @ 50 Million: The Environmental Goals and Policy Report (Governor's Office of Planning and Research, 2013 Draft). Key Action #3 of the "Preserve and Steward State Lands and Natural Resources" calls for building resilience into new planning processes and into ongoing planning efforts."

CA Climate Adaptation Strategy/Safeguarding California: Reducing Climate Risk Plan (CA Natural Resources Agency, July 2014). The plan calls to "increase capacity [of coastal and ocean ecosystems] to withstand and recover from climate impacts". The restoration project will increase the capacity and resiliency of the Devereux Slough system to sea level rise by expanding and enhancing the tidal wetland ecosystem of the Devereux Slough, which drains to the Santa Barbara Channel.

This proposed project also aligns with the goals listed in the *CA Climate Adaptation Strategy/Safeguarding California: Reducing Climate Risk Plan* (CA Natural Resources Agency, July 2014) in terms of improving management practices for coastal and ocean ecosystems and resources by including climate adaption strategies.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The proposed project remains consistent with the Local Coastal Program Policies as described in the April 18, 2013 staff recommendation (Exhibit 2).

**CONSISTENCY WITH LOCAL WATERSHED MANAGEMENT PLAN/
STATE WATER QUALITY CONTROL PLAN:**

As required by Proposition 50, the proposed project is consistent with local and regional plans (Water Code Section 79570). Because the project will facilitate the restoration of fish and wildlife habitat in coastal watershed and wetlands, the project is consistent with the Water Quality Control Plan for the Central Coastal Basin (adopted by the Regional Water Quality Control Board Central Coast Region in 1994 and reviewed every three years) in that it will

further the following beneficial use objectives: estuarine habitat; wildlife habitat; and rare, threatened or endangered species.

COMPLIANCE WITH CEQA:

The proposed project remains statutorily exempt under 14 California Code of Regulations Section 15262 as described in the April 18, 2013 staff recommendation (Exhibit 2). The site management activities are categorically exempt pursuant to 14 California Code of Regulations Section 15301 because they involve mowing and other landscape maintenance of the existing facilities.